

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6320

BILL NUMBER: SB 277

NOTE PREPARED: Dec 9, 2008

BILL AMENDED:

SUBJECT: Nonsupport of a Dependent.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill makes nonsupport of a child a Class B felony if the person owes at least \$15,000 in unpaid support and has a prior unrelated conviction for nonsupport of a child as a Class C felony.

Effective Date: July 1, 2009.

Explanation of State Expenditures: This bill may increase state expenditures to incarcerate individuals that owe more than \$15,000 in unpaid child support and have an unrelated conviction of Class C felony nonsupport of a child.

State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. A Class C felony is punishable by a prison term ranging between 2 and 8 years, depending upon mitigating and aggravating circumstances. A Class B felony is punishable by a prison term ranging from 6 to 20 years. If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years.

Background Information: The DOC reports that in CY 2007, there were a total of 207 adults admitted to state correctional facilities for Class C felony and Class D felony unpaid child support. Of this population, 86 individuals were convicted of Class C felony unpaid child support. The Department of Child Services reports that there are 377,021 open IV-D cases and, of them, 58,471 have child support arrears of \$15,000 or more. It is unknown how many of these 58,471 individuals have a previous Class C felony conviction for child support that will make them eligible for the Class B felony under this bill.

Explanation of State Revenues: *Penalty Provision:* No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* No additional revenues would be expected since the court fees for Class C and Class B are the same.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; DOC; Ann Houseworth, Department of Child Services; Chuck Thompson, Department of Child Services.

Fiscal Analyst: Bill Brumbach, 232-9559.